



OPLA~Notes

Nonpartisan Quarterly Newsletter

June 1998

*Publication of the Office of Policy and Legal Analysis
for the Maine State Legislature*

Volume II, Issue 2

In This Issue

- Forestry Legislation 1
 - Forest Practices Legislation
 - Logger Licensing Legislation
- Great Pond Task Force Legislation 4
- Recent Legal Developments 6
 - Confidentiality of Health Care and
Personal Information
- Did You Know? 8
- Executive Orders Issued 9
- Session Bill Statistics 9
- Internet Intersection 10
- OPLA Publications 11
- Interim Legislative Studies 11

Newsletter Greetings

Welcome to the second edition of OPLA~Notes for 1998. This edition of OPLA~Notes includes articles that summarize legislation passed during the 118th Second Regular and Second Special Sessions, which dealt with forest practices, logger licensing, the Great Pond Task Force and the confidentiality of health care and personal information. This edition of the newsletter also provides useful Internet sites, an update on bill statistics for the Second Regular and Second Special

Sessions of the 118th Legislature, a listing of Executive Orders issued by the Governor and a listing of legislative studies being conducted this interim. As always, we welcome your comments or suggestions.



Forestry Legislation

Two bills relating to forest resources were enacted during the Second Regular and Second Special Sessions of the 118th Legislature. LD 2286, An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment, was enacted as Public Law 1997, chapter 720 and LD 1405, An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting, was enacted as Public Law 1997, chapter 648. The committee process used to develop these laws and the provisions contained in each are summarized in this article.

In addition to reporting out the forest practices legislation, the Joint Standing Committee on Agriculture, Conservation and Forestry also unanimously recommended funding 7 new positions within the Bureau of Forestry. Public Law 1997, chapter 643 (sec. S-5) appropriates approximately \$406,000 for the 7 new positions, and additional weeks for existing project positions and operating costs. The new positions will enhance enforcement of the forest practices laws, provide for an annual forest inventory program and provide enhanced forest health monitoring.

Forest Practices Legislation

Eleven bills relating to forest practices were introduced during the First Regular and First Special Sessions of the 118th Legislature and referred to the Joint Standing Committee on Agriculture, Conservation and Forestry. These 11 bills were carried over to the Second Regular Session pending the November 4, 1997 referendum on the Competing Measure Resolution (C.M.R. 1), known as the Compact for Maine's Forests.

After the Compact for Maine's Forests failed passage, the chairs of the Agriculture, Conservation and Forestry Committee requested and received permission from the Presiding Officers for a day-long public hearing on December 16th in Augusta to invite public comment on key forest policy issues facing the Legislature. During the Second Session of the 118th Legislature, the committee held a series of presentations, panel discussions and informational meetings prior to taking action on the carry-over bills. These meetings focused on current laws regulating forest practices, forest inventory data, the concept of forest sustainability and silvicultural systems to promote sustainability, and forestry audit programs.

The committee voted unanimously "Ought Not to Pass" on five of the 11 carry-over bills and issued divided reports on 5 others, none of which passed. The remaining bill, LD 253, An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations, was re-referred to the Judiciary Committee. It was amended and enacted as Public Law 1997, chapter 694. The final disposition of the 11 carry-over bills may be found in the summary of legislation for the Joint Standing Committee on Agriculture, Conservation and Forestry published by OPLA and available on the Internet at: www.state.me.us/legis/opla/billsumm.htm

Following the informational meetings and a series of work sessions, a majority of the committee recommended legislation to address the need for better information on the state of Maine's forests. LD 2286, An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment, was developed as a committee bill and enacted by the Legislature as Public Law 1997, chapter 720. The provisions of this law are summarized below.

Forest Resources Assessment Provisions

Public Law 1997, chapter 720 does the following:

1. Provides for the annual collection of inventory data and for an inventory cycle of not more than five years. Provides for the use of remote sensing technology and modeling to assess timber supply.

The most recent statewide forest inventory was conducted in 1995. The statistics from the inventory were published in October of 1996 by the U.S. Department of Agriculture, Forest Service. Forest statistics used for comparison and analyzing changes are from an earlier inventory conducted in 1982. A shortened inventory cycle, remote sensing and a refined timber supply model should provide better information for future policy considerations.

2. Requires the Director of the Bureau of Forestry to prepare and publish an annual report summarizing clear-cutting activities by landowner class and geographic region. For landowners owning over 100,000 acres, specified information must be presented.

The specified information on clear-cutting activities by landowners having 100,000 acres or more of forestland corresponds to the restrictions on clear-cutting proposed in the Forest Compact and to which large landowners voluntarily agreed. The Bureau of Forestry clear-cutting report will provide data on the large land holdings that relate to the total area clear-cut, area clear-cut as a percentage of a landowner's statewide land ownership, the purpose of the clear-cut, the number of clear-cuts over 75 acres in size, the total acres planted and total areas pre-commercially thinned.

3. Requires the Bureau of Forestry to establish a process to assess forest sustainability, including developing standards in seven areas and monitoring statewide progress toward achieving the standards.

The Director of the Bureau of Forestry is directed to build on the principles of forest sustainability developed by the Northern Forests Lands Council and the Maine Council on Sustainable Forest Management in developing a process to assess forest sustainability. The seven areas for which standards are to be developed are: soil productivity; water quality, wetlands and riparian zones; timber supply and quality; aesthetic impacts of timber harvesting; biological diver-

sity; public accountability of forest owners and managers; and traditional recreation. The process provides for the convening of technical working groups and the opportunity for public comment prior to the final adoption of standards. A set of standards and monitoring systems for each of the seven areas must be in place by July 1, 2004.

4. Requires a biennial report on the state of Maine's forests. The Director of the Bureau of Forestry must seek public input during the preparation of the report. The report must be presented to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 1st of every odd-numbered year beginning January 1, 1999.

The report must include an assessment of progress in achieving sustainability standards at the statewide level. It must also provide historical information, information on Maine's forests collected and analyzed during the biennium, and recommendations to address identified needs.

Revisions to the Forest Practices Act and Landowner Reporting Requirements

Public Law 1997, chapter 720 does the following:

1. Reauthorizes rulemaking to implement the Forest Practices Act. Designates the rules as major substantive.

The initial rules to implement the Forest Practices Act, Public Law 1989, chapter 555 were developed by the Bureau of Forestry and became effective on January 1, 1991. These rules established standards for clear-cutting and for forest regeneration following timber harvesting. During the committee's discussions this past session, the Bureau of Forestry recommended revisions to the rules to simplify the Act's provisions and facilitate the Act's enforcement. The Commissioner of Conservation is required to submit provisionally adopted rules to the Legislature no later than January 1, 1999, for review as major substantive rules.

2. Establishes key definitions to facilitate enforcement of restrictions on clear-cuts and clarify designation of separation zones.

The definition of a clear-cut is simplified to facilitate determination of a clear-cut in the field. Minimum

sizes for separation zones are established in statute with the Commissioner of Conservation being authorized to adopt more stringent rules for clear-cuts over 35 acres.

3. Requires a forest management plan for clear-cuts over 35 acres and requires the plan to state the purpose of the clear-cut. Requires a landowner to state the purpose of a clear-cut on the landowner harvest report.

Under current law, a forest management plan is only needed for clear-cuts over 50 acres. Effective July 9, 1998, a forest management plan will be required for clear-cuts over 35 acres.

Under current law, landowners who are required to submit a harvest report must state the harvest method. The current land owner report form inquires as to the number of acres clear-cut and the size of individual cuts. Under the new provisions, the landowner must also report the acreage of a clear-cut and the purpose of a clear-cut. This information must be compiled by the Bureau of Forestry and presented in annual reports on clear-cutting activity.

Logger Licensing Legislation

During the First Regular and First Special Sessions of the 118th Legislature, two bills that proposed to license loggers were referred to the Joint Standing Committee on Agriculture, Conservation and Forestry: LD 1405, An Act to License Timber Harvesters and Deter Timber Trespassing, and LD 1430, An Act to Regulate Professional Loggers. The requirements proposed in LD 1430 required initial review under the legislative sunrise review process established in 5 MRSA § 12015.

A sunrise review is required when legislation proposes establishing a board to license an occupation or to substantially regulate an occupation not currently regulated. Prior to a public hearing, the Agriculture, Conservation and Forestry Committee requested that the Commissioner of Professional and Financial Regulation appoint a technical review committee to evaluate the proposed licensing of loggers in accordance with sunrise review procedures. Although LD 1405 did not require a sunrise review, the committee carried over both bills to the Second Regular Session of the 118th Legislature pending the report of the technical review committee.

During the summer of 1997, Catherine Longley, Commissioner of Professional and Financial Regulation, appointed members to the Logger Licensing Technical Review Committee. The Committee consists of two loggers, two foresters, two public members, and Charles Gadzik, Director of the Bureau of Forestry, who serves as the commissioner's designee and chair of the committee. The Committee held public hearings in Ashland, Bangor, Augusta and South Paris.

Under the sunrise review procedures, the Committee was required to evaluate the threat to the public's health, safety or welfare created when loggers are not regulated as a profession. Principal threats identified by the technical review committee were: timber theft and damage to property; soil erosion and water quality degradation; and logger safety and public costs of injuries to loggers.

On February 2, 1998, Commissioner Longley and members of the technical review committee presented a report entitled, "Making the Current Laws Work", to the Joint Standing Committees on Agriculture, Conservation and Forestry, and Business and Economic Development. The Committee did not recommend the licensing or registering of loggers. Instead, the report proposed several other measures to address the identified public threats and enhance the enforcement of current laws regulating harvesting. A public hearing on LD 1405 and LD 1430 immediately followed.

The legislative committees accepted the recommendation to forego licensing at this time. In subsequent work sessions, the Agriculture, Conservation and Forestry Committee amended LD 1405 to incorporate several recommendations of the technical review committee. LD 1405 was retitled, An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting and enacted as Public Law 1997, chapter 648.

Public Law 1997, chapter 648 does the following:

- Requires transported wood to be accompanied by a trip ticket with specific information to identify the origin of the wood, including the number of the harvest notification form filed with the Bureau of Forestry;
- Requires notification forms to be signed by those involved in a timber harvest and requires that a

copy of the notification form be posted at the harvest site;

- Requires the Bureau of Forestry to send a copy of a harvest notification form to the municipality in which the harvest is occurring;
- Requires the Workers' Compensation Board and the Maine Forest Service to study workers' compensation laws relating to wood harvesting and to attempt to determine the number of wood harvesting operations where loggers have neither workers' compensation coverage nor a predetermined independent contractor status, and requires a report of findings and recommendations to be submitted to the 119th Legislature by January 15, 1999; and
- Directs the Maine Forest Service, the Maine Land Use Regulation Commission and the Department of Environmental Protection to develop a set of statewide standards to minimize the impact of timber harvesting on nonpoint source pollution and to report to the 119th Legislature on the use of best management practices for wood harvesting operations.

Great Pond Task Force Legislation

During the Second Regular Session, the Legislature enacted an amended version of LD 1730, An Act to Implement the Recommendations of the Great Pond Task Force. The bill, enacted as Public Law 1997, chapter 739, will take effect on July 9, 1998.

A brief summary of the provisions in the new law is provided below. Upon request, additional information, including a copy of the public law and a list of the affected bodies of water, is available from the Office of Policy and Legal Analysis.

The Great Pond Task Force legislation does the following:

Watercraft, including Personal Watercraft

- Prohibits the operation of personal watercraft (e.g. jet skis) on remote and undeveloped ponds having at least one outstanding resource value that are

- wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission. That affects 242 ponds or 8% of all ponds in the unorganized areas of Maine. The Maine Land Use Regulation Commission (LURC) is required to adopt rules to implement this provision;
- Prohibits personal watercraft on bodies of water where more than two thirds of the water lies in LURC's jurisdiction and more than half of the shoreline is in conservation ownership for low impact public recreation. Currently, Mooselookmeguntic Lake, Donnell Pond and Tunk Lake are affected by this provision;
- Requires a person to be at least 16 years of age to operate a personal watercraft;
- Requires that personal watercraft rental and leasing agents obtain a certificate from the Department of Inland Fisheries and Wildlife in order to lawfully rent or lease personal watercraft after January 1, 1999. Specifically exempted are commercial sporting camps, campgrounds and property owners who offer personal watercraft for use by people who rent or lease that property. The legislation also requires rental and leasing agents to provide each person who rents or leases a personal watercraft with written instructions on how to properly operate the personal watercraft;
- Prohibits internal combustion motors on five ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on two other great ponds wholly within the Park. The ponds affected are: Witch Hole Pond, Aunt Betty's Pond, Bubble Pond, Round Pond, Lake Wood, Upper Hadlock Pond, and Lower Hadlock Pond;
- Creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system; and
- Authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and the use of motors on waters less than 200 acres in area that are entirely within Indian Territory. That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Land Claims Settlement Act.

Reporting Requirements

- Requires the Commissioner of Inland Fisheries and Wildlife to submit a report to the First Regular and Second Regular Sessions of the 119th Legislature on the use, operation, and type of watercraft on great ponds within the organized areas of the state. The report must be based on recommendations submitted to the Commissioner by municipalities. Each report must be accompanied by suggested legislation to implement recommendations supported by the department and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted;
- Requires the Land Use Regulation Commission, the Department of Inland Fisheries and Wildlife and the Bureau of Public Lands to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 1999, on the scope of their authority to regulate surface water uses and to make recommendations for regulating uses on bodies of water within their jurisdiction; and
- Requires the Commissioner of Inland Fisheries and Wildlife to make recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 1, 1999, on a proposal for a program to provide safety training and education to motorboat operators on inland waters.

Navigational Aids

- Grants immunity to lake associations from liability for personal injury, property damage or death caused by an association's buoys; and
- Increases from 200 feet to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies.

As mentioned above, the legislation requires the Maine Land Use Regulation Commission to hold public hearings on proposed rules to implement the provisions of the law which prohibit the operation of personal watercraft on the 245 affected lakes. The hearings have been scheduled and will start at 6:00 p.m. on the following dates at the specified places:

- Wednesday, July 15, 1998, Rangeley Inn, Rangeley;
- Tuesday, July 28, 1998, Greenville High School Gymnasium ;
- Thursday, August 6, 1998, Shiretown Atrium Restaurant, Houlton; and
- Wednesday, August 19, 1998, Holiday Inn, Ellsworth.

For additional information on any of the public hearings, please contact the Maine Land Use Regulation Commission at 287-2631.



Legislature Addresses Confidentiality of Health Care and Personal Information

In January 1999, two laws governing the disclosure of health care information held by health care practitioners and health care facilities and the disclosure of personal information, including health care information, held by insurance companies and insurance support organizations will take effect. These laws---Public Law 1997, chapter 793, An Act to Provide for Confidentiality of Health Care Information and Public Law 1997, chapter 677, An Act to Protect the Privacy of Genetic Information---were enacted after extensive consideration by the Health and Human Services and Banking and Insurance Committees, respectively.

Insurance Information and Privacy Protection Act: Public Law 1997, chapter 677

Public Law 1997, chapter 677 enacts a new chapter in the Maine Insurance Code, Title 24-A, chapter 24. The new law governs the collection, use and disclosure of personal information about insurance consumers gathered in connection with insurance transactions related to health, life, long-term care or disability insurance. The law does not apply to workers' compen-

sation, property, casualty, medical malpractice, fidelity, suretyship, boiler and machinery or title insurance. It is based on core provisions from the National Association of Insurance Commissioner's "Insurance Information and Privacy Protection Model Act."

Personal information is defined as any information that identifies an insurance consumer that is gathered in connection with an insurance transaction, including health care information. Insurance companies and insurance support organizations are prohibited from disclosing personal information about insurance consumers unless the disclosures are made with due consideration for the safety and reputation of all persons affected by the disclosure, is limited to the minimum amount necessary to accomplish a lawful purpose and is made with the consumer's prior written authorization or meets a specific exception for disclosures that may be made without written authorization.

A. Disclosures With Written Authorization

The law establishes requirements for disclosure authorization forms used by insurance companies and support organizations. Disclosure authorization forms must include the signature or other authorization of the consumer; specify the nature of the information to be disclosed; indicate the types of persons authorized to disclose information; and specify the time period of the authorization. The law also sets maximum time periods for which disclosure authorization forms signed by insurance consumers are effective. In the case of life, disability and long-term care insurance, disclosure authorizations may not remain valid for more than 30 months for the purpose of collecting information in connection with a policy application, policy reinstatement or request for a change in policy benefits. The authorization may remain valid for the duration of a claim if the information is being collected in connection with a claim for benefits. In the case of health and medical insurance, the authorization remains valid for the term of coverage of the policy and any renewals of that policy.

B. Disclosures Without Written Authorization

Disclosures that may be made without prior authorization from the insurance consumer or another authorized individual include:

- disclosures reasonably necessary to accomplish a business, professional or insurance function of the regulated insurance entity;
- disclosures to health care providers to verify benefits, inform consumers of a medical problem

or conduct an operations or services audit of the provider;

- disclosures to insurance regulatory authorities or law enforcement agencies;
- disclosures for the purpose of conducting actuarial and research studies that do not identify insurance consumers; and
- disclosures in connection with the marketing of a product or service if health information is not disclosed.

C. Consumer Access to Personal Information

Under the new law, insurance consumers have the right to access personal information about them that is recorded by insurance companies and insurance support organizations. The law sets standards and procedures under which insurance consumers have access to their recorded personal information and may correct, amend or delete that information held by insurance entities. In addition, insurance consumers must be notified in writing about an insurance company's information practices in connection with consumer insurance transactions. The notice must state whether or not personal information may be collected from persons other than the consumer, what types of information may be collected and the sources and investigative techniques used to collect that information, the types of disclosures about the consumer that may be made without prior authorization, and the rights of consumers to access personal information recorded by regulated insurance entities and to correct, amend or delete that recorded personal information.

D. Unlawful Discrimination on Basis of Genetic Information and Genetic Testing Prohibited

Along with addressing the privacy of personal and health care information, the Legislature also enacted specific statutory provisions relating to the use of genetic information and genetic testing for employment and insurance purposes. Public Law 1997, chapter 677 prohibits discrimination in employment on the basis of genetic information, because an employee or applicant received genetic testing or genetic counseling, or because an employee or applicant refused to submit to genetic testing or make available genetic test results. The Maine Human Rights Commission is responsible for enforcing this provision.

The new law prohibits any discrimination in health insurance against individuals or eligible dependents on the basis of genetic information, because an individual received genetic testing or genetic counseling, or because an individual refused to submit to genetic testing

or make available genetic test results. The law prohibits the use of genetic information and genetic testing in the issuance, withholding, extension or renewal of health insurance policies and in the fixing of rates, terms or conditions for health insurance.

With regard to life, disability, long-term care insurance and other limited health benefit policies regulated by the Bureau of Insurance, the law prohibits unfair discrimination in the application of genetic information or genetic test results. "Unfair discrimination" is defined to include the application of the results of a genetic test in a manner that is not reasonably related to anticipated claims experience. The Bureau of Insurance has authority to investigate and enforce practices or acts of insurers that permit unfair discrimination. Insurers that use genetic tests in a manner that does not unfairly discriminate must notify individuals that genetic tests are required and obtain the individual's authorization in accordance with the provisions of the Insurance Information and Privacy Protection Act, Title 24-A, Maine Revised Statutes, chapter 24. Insurers who use genetic tests must also obtain a statement from the individual consumer as to whether or not the individual wants to be informed of the test results and provide a copy of those results to the individual or a designated health care practitioner.

The provisions of Public Law 1997, chapter 677 relating to the use of genetic information and genetic testing take effect June 30, 1998.

Confidentiality of Health Care Information: Public Law 1997, chapter 793

With the enactment of Public Law 1997, chapter 793, for the first time the Maine statutes protect the confidentiality of a person's health care information. The new law, enacted as Title 22, section 1711-C, designates as confidential health care information that directly identifies the person. The law restricts the disclosure by health care practitioners and health care facilities of personal health care information. Disclosures that are subject to other state and federal laws, for example, disclosures by insurance companies, for the purposes of workers' compensation coverage and of mental health treatment information, are still applicable. The law applies to requests, directives and authorizations to disclose information on or after January 1, 1999.

A. Disclosures With Written Authorization

The law allows for disclosures upon written authorization from the person who is the subject of the information (referred to in this article as the consumer of health care services) or an authorized representative. Written authorization to disclose the information must conform to the requirements of the law, and must include the consumer's name, and signature, the date, persons authorized to disclose and to whom they may disclose, stated purpose for the disclosure, duration of authorization, and statements regarding rights to refuse to authorize disclosure, to revoke authorization and to obtain a copy of the form.

B. Disclosures Without Written Authorization

The law allows for disclosures without written authorization from the consumer or an authorized representative for the following purposes:

- For diagnosis, treatment or care, to another health care provider in emergency situations and in non-emergency situations: (1) within the office, practice or organization of the provider if needed for care to the consumer; and (2) outside the office, practice or organization of the provider if the consumer has given authorization orally or by inference from the consumer's conduct. Inferred authorization is not allowed for HIV or mental health related information;
- For quality assurance, utilization review, peer review, billing and collection;
- To confirm to a family member the presence and general condition of the consumer receiving emergency care or diagnosis, treatment or care in a health care facility;
- To prevent harm when the consumer poses a direct threat of imminent harm to themselves;
- To protect the public health and welfare when reporting to governmental entities is required or authorized by law;
- Pursuant to subpoena, court order or statute for use in a government investigation or pursuant to subpoena or court order in a civil proceeding;
- For scientific research in certain circumstances;
- For assessment, evaluation or investigation of the provision of or payment for health care;
- For regulation, accreditation or licensure of a health care provider or facility;
- For review of the provision of or payment for health care for insurance purposes; and
- To attorneys for the provider or facility as required for legal representation.

C. Additional Requirements

Disclosures of health care information are subject to a number of additional requirements. Health care practitioners and facilities are required to adopt policies, standards and procedures to protect the confidentiality of health care information. Disclosure for marketing or sales purposes requires a consumer's written or oral authorization. Disclosures are limited to the information needed to respond to the request. Partial or incomplete disclosures must indicate that they are partial or incomplete. If a minor may consent to health care under state law, authorization for disclosure must be obtained from the minor unless otherwise provided by law. The protections of the law may not be waived. The law may be enforced by private right of action or by action of the Attorney General. Costs may be collected, but not attorney's fees. Forfeitures may be ordered.

D. Consumer Submission of Information

Related provisions of Title 22, sections 1711, 1711-A and 1711-B, were also amended in Public Law 1997, chapter 793. These amended provisions allow the consumer to submit information for inclusion in the consumer's own health care record and require the practitioner or facility to whom the addition is submitted to retain the information with the consumer's health care records. A consumer who submits information after January 1, 1999, that relates to diagnosis, treatment or care may request that the submitted information be provided to third parties, identified by the consumer, to whom records were sent after January 1, 1999.

Did You Know?.....



Maine has 73 rivers that are longer than 20 miles, 51 lakes that have an area of at least five square miles, and 3,478 miles of coastline. The St. John River in Northern Maine, which is 331 miles long, is Maine's longest river. The largest lake is Moosehead Lake. It measures 117 square miles in size and is 40 miles long.



Casco Bay in Portland is 20.4 miles across. It runs from Cape Elizabeth to Cape Small. When Casco Bay is at high tide, 758 islands and ledges can be seen.



Executive Orders Issued

The following Executive Order was issued in June, 1998 by the Governor:

Executive Order # 3 - "An Order Establishing the Financial Services Taxation Advisory Group" -

According to the Executive Order, the committee will be made up of 16 members, including four legislators who are members of either the Taxation Committee or Banking and Insurance Committee (if the Legislature chooses to participate). The purpose of this advisory group is to conduct a comprehensive review of Maine's tax laws applicable to businesses providing financial services in Maine. The group is to make recommendations to the Governor and to the Joint Standing Committee on Taxation by January 15, 1999.

118th Legislative Session Bill Statistics

A total of 563 bills were considered in the Second Regular and Second Special Sessions of the 118th Legislature. The table below summarizes statistical information about the bills.

	Number of Bills	Percent of Total
Bills Considered	563	100%
Bills Enacted or Finally Passed	313	55.6%
Bills Vetoed or held by the Governor	4	0.7%

Committee Actions

	Number of Bills	Percent of Total
Total bills referred to committees	536	95.2%
Unanimous Committee Reports	405	72.5%
• Ought to Pass	42	7.5%
• Ought to Pass As Amended	202	36.1%
• Ought to Pass in New Draft	1	0.2%
• Ought Not to Pass	160	28.6%
Divided Reports	154	27.5%
Major Substantive Rules Reviewed	18	100%
• Authorized Without Changes	4	22.2%
• Authorized With Changes	14	77.8%
• Not Authorized	0	0%

The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review (OFPR) have prepared summaries of each bill considered by the joint standing committees this past session. The summaries include a description of each bill, committee amendments, floor amendments and the final action taken on each bill. If you would like a copy of a committee's bill summaries, other than those for the Appropriations and Financial Affairs Committee and the Taxation Committee, please contact OPLA at 287-1670 or in Room 101 of the State House, or download the summaries from the OPLA website at: www.state.me.us/legis/opla

If you would like copies of the bill summaries for the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Taxation, please contact the Office of Fiscal and Program Review at 287-1635 or in Room 225 of the State House, or visit OFPR's website at: www.state.me.us/legis/ofpr

Free E-mail?

Have you heard about the latest frenzy of free e-mail available on the Web? For the most part, free e-mail is a useful tool for web surfers; however, be aware that not all "free" e-mail is truly free. Be sure to peruse the provider's agreement for "membership" or "sign up" fees that may require payment. Two reliable sites that offer free e-mail and require only a first-time registration are Hotmail (<http://www.hotmail.com>) and MailCity (<http://www.mailcity.com>).

- **How can e-mail be free, you ask?** Simple--advertisers foot the bill by purchasing advertisements that are displayed on the providers' Web sites.
- **Why would you want another e-mail address if you already have an electronic mailbox at home or work?** Since free e-mail providers allow access to your mailbox from any computer that is connected to the Internet and has browser software loaded, you can get messages anytime and anyplace. Simply locate the provider on the Web and enter your password.
- **How is the free e-mail address linked to my other e-mail address at work or home?** The two addresses are not connected in any way. The free e-mail provider will issue you an address that is unique to its mailbox services. Therefore, assuming you have e-mail at home or work, you will have two entirely different mailboxes.

Policy and Government



Policy.com: This site provides an extensive compilation of policy-related news, issue analyses and general resources categorized by state. Of particular interest is the "Community" section, which includes advocacy groups, think tanks, universities and numerous other resources. Also look for the "Issue of the Week" link.

<http://www.policy.com/>

FindLaw: Comprehensive listing of legal resources available on the Internet. Categories include cases and codes, current legal news, on-line law firm pages, and much more. Findlaw's search directory categorizes query results in hier-

archical order, from broad subject headings to more specific sub-headings.

<http://www.findlaw.com>

Thomas: Federal legislation from 1973 to present, as well as links to other governmental information.

<http://thomas.loc.gov/>

Provides links to "hot" topics in government by subject.

<http://thomas.loc.gov/home/html.arc/hot-subj.html>

United States Code: Search the federal statutes in force as of January 16, 1996 by title. Also assists with tracking recent amendments to the U.S. Code.

<http://www.law.cornell.edu/uscode/>



Maine State Legislature: The State of Maine statutes, including the new laws passed in 1997, are now available through the Legislature's homepage. The website also now includes access to current bill text, amendments and final disposition information.

<http://www.state.me.us/legis>

Law and Legislative Reference Library: Provides access to URSUS catalog, collections information, reference information, legislative history instructions and interlibrary loan information, and lists of Justices for the Maine Supreme Judicial Court and Maine Attorney Generals. The Library's latest addition is an in-house index to NCSL Legisbrief, a two-page issue brief published by the National Conference of State Legislatures (NCSL).

<http://www.state.me.us/legis/lawlib>



Technology

FOLDOC (Free On-Line Dictionary of Computing): Allows the user to enter a computing search term and retrieve a definition. This search engine does not accept connectors such as and, or, but, etc. Simply enter the word or phrase for which you would like a definition and click the *Search* button.

<http://www.dogpile.com/>



News

USA Today: For all the nation's news, point your browser

News



USA Today: For all the nation's news, point your browser here. Just like the paper version, the on-line version of this newspaper provides expansive news coverage that is quick and concise.

<http://www.usatoday.com/>

The Kennebec Journal: Maine's oldest newspaper also is available via the latest Web technology. If you missed a headline or article in the paper version, the Web version has the entire previous week's news archived by each day of the week.

<http://www.kjonline.com/>

General Interest



North American Web Cameras: Travel across the country without ever leaving your computer terminal. This site lists Web cameras by state for the entire US, including some in Maine.

<http://www.gallery.uunet.be/internetpress/star00.htm>



OPLA PUBLICATIONS

- **Study Reports** - A listing of study reports of legislative committees and commissions categorized by year from 1973 on is available from OPLA. For printed copies of any of these reports, please contact the Office of Policy and Legal Analysis at 13 State House Station, Augusta, Maine 04333 (287-1670) or stop by Rooms 101/107 of the State House. The first copy of a report is free; additional copies are available at a nominal cost. In addition, many of the legislative studies staffed by OPLA during the 117th and 118th Legislatures are available on the OPLA website at: <http://www.state.me.us/legis/opla>

The following new publications are now available:

- **Summaries of bills from the Second Regular and Second Special Sessions of the 118th Legislature** - Summarizes all legislation considered by the joint standing committees of the Legislature and describes bills, committee amendments, floor amendments and the final action taken on each bill. There are also copies of bill summaries for each individual joint standing committee available. Bill summaries can also be found on the OPLA website and the Office of Fiscal and Program Review's website at: <http://www.state.me.us/legis/ofpr>



Legislative Studies

The following is a list of interim legislative studies approved by the Legislature. These studies are either the result of legislation considered during the Second Regular and Second Special Sessions of the 118th Legislature or are continuations of studies approved during the First Regular and First Special Sessions of the 118th Legislature. Most of these studies will be completed by the beginning of the First Regular Session of the 119th Legislature.

Study Name	Report Date
Alternative Fuels Study	1/15/99 (Interim)
Children's Mental Health Oversight Committee	2/1/99
Commission to Examine Rate Setting and Financing of Long Term Care Facilities	11/98
Commission to Study Funding and Distribution of Assistive Equipment for Disabled	1/15/99
Commission to Study the Need for an Ombudsman for DHS and the Department of Mental Health, Mental Retardation and Substance Abuse	12/15/98
Commission to Study the Opening of a Discount Liquor Store in Fort Kent	1/1/99
Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings	10/30/98
Joint Select Committee on Research & Development	-----
Joint Select Committee on Substance Abuse	-----
Joint Select Committee to Implement a Program for the Control, Care and Treatment of	10/15/98

Study Name	Report Date
Judicial Compensation Commission	12/1/98
Plan to Enhance the Enforcement of Civil and Criminal Penalties	12/15/98
Review of the Governance Structure of the Governor Baxter School	12/15/98
Review of MRSA Criminal Statutes	1/1/99
Review of Procedures and Consider Improvements in Probation Services	1/15/00
State Compensation Commission	on-going
State and Federal Tax Filing Study	1/1/99
Task Force to Develop Recommendations to Implement the Unification of the Superior and District Courts	12/15/99
Task Force to Study Telecommunications Taxation	1/15/99

If you have any questions concerning a particular study, please contact the Office of Policy and Legal Analysis at 287-1670.

A Word About OPLA

The Office of Policy and Legal Analysis (OPLA) is one of several nonpartisan offices of the Maine State Legislature. It operates under the auspices of the Legislative Council. The office provides professional staff assistance to the joint standing and select committees, such as providing policy and legal research and analysis, coordinating the committee process, drafting bills and amendments, analyzing budget bills in cooperation with the Office of Fiscal and Program Review and preparing legislative proposals, reports and recommendations.

OPLA Mission

The Office of Policy and Legal Analysis assists, in a nonpartisan and responsive manner, the Maine Legislature, its committees and its members in fulfilling the Legislature's mission by providing objective information, impartial legal and policy analysis, and assisting in formulating and drafting legislative proposals, reports and recommendations.

OPLA~Notes

Published for the Maine State Legislature by the Office of Policy & Legal Analysis

Director: David E. Boulter

Editor: Darlene Shores Lynch

Contributors: Jill Ippoliti, Jon Kachmar,
Colleen McCarthy Reid, Patrick Norton,
and Jane Orbeton

We welcome your comments and suggestions.

Contact the Office of Policy and Legal Analysis by writing to 13 State House Station, Augusta, Maine 04333; calling 287-1670; or stopping by Rooms 101/107/135 of the State House. The newsletter is available on the Internet at:
www.state.me.us/legis/opla/newslet.htm